

AN ORDINANCE BY COUNCILMEMBER Casa-C Mitchell:

AN ORDINANCE AUTHORIZING THE CITY
ATTORNEY TO SETTLE THE CASE OF *GLEN FALLS
INSURANCE COMPANY v. THE CITY OF ATLANTA And
CHARLES DAVID SMITH*, CIVIL ACTION NO. 01-VS-
017385, IN THE STATE COURT OF FULTON
COUNTY, GEORGIA, AND FOR OTHER PURPOSES

02-○-0672

WHEREAS, Charles David Smith, a long-time employee of the City of Atlanta, was involved in a traffic accident with the insured of the Glen Falls Insurance Company; and

WHEREAS, it appears that Mr. Smith, who was driving a city-owned vehicle at the time, was unable to stop his vehicle before it crashed into the vehicle driven by Glen Falls' insured; and

WHEREAS, Mr. Smith prior to this time had a safe driving record with the City, but it appears in the opinion of the City Attorney that it is likely that the court would find negligence on the part of the City employee-driver; and

WHEREAS, the recovery against the City is limited to the sum of \$2,000.00, without waiver of the relevant ordinance, but the Glen Falls Insurance Company, through its attorney has proposed a settlement which would include the employee Charles David Smith, provided the City would pay one-half the amount claimed, which is \$10,333.12, in compromise of the disputed claim; and

WHEREAS, in the opinion of the City Attorney the proposed settlement, in the total sum of \$5,166.56, is in the best interests of the City and will protect the employee:

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NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF
THE CITY OF ATLANTA, GEORGIA:

Section 1: THAT the Interim City Attorney is hereby authorized on behalf of the City of Atlanta to settle the case of *Glen Falls Insurance Company v. the City of Atlanta and Charles David Smith*, Civil Action No. 01-VS-017385, in the State Court of Fulton County, Georgia, by paying to Glen Fall Insurance Company through its attorney the sum of \$ 5,166.56, in full settlement of all claims in said suit against the City of Atlanta and its employee, Charles David Smith;

Section 2: THAT the Acting Chief Financial Officer is authorized upon the voucher of the Interim City Attorney to issue the City's check in the sum of \$ 5,166.56, payable to the Glen Falls Insurance Company, and its attorney, Roger Howard, and to charge such amount to Account No. 1A01-529017-T31001, "Settlement of Suits and Claims."

Section 3: THAT all ordinances, or parts of ordinances, in conflict herewith are waived for the purpose of this ordinance in this transaction, and only for such purpose.